

REMARKS

The present application now contains claims 1, 4-10, 25-30, 34, 36-38 and 70-82. Claims 2 and 3 are currently cancelled and claims 1 and 4 are currently amended. Claims 72-82 are new. The Examiner has indicated that claims 6, 32, 34 and 36-38 contain patentable subject matter.

All the previously present claims stand rejected under 35 U.S.C. §103(a) over combinations of Wilkinson and Forkosh alone or in combination with Saito.

Claim 1 has been amended by adding to it the limitation of claim 3. Applicants submit that the Examiner has not presented a *prima facie* case for the obviousness of claim 3. The Examiner appears to indicate that the limitations of claim 3 are met by the undisputed fact that air contributes to the cooling of the water in the cooling tower. Applicants submit that this does not meet the terms of the limitation that:

"at least one heat exchanger situated in the one reservoir via which the liquid desiccant in the one reservoir is cooled by the at least one fluid,

wherein at least one of the at least one fluids comprises air."

Applicants submit that a fair reading of claim 3 is that the at least one fluid directly cool the heat exchanger. In order to make explicit what was already implicit, applicants have amended claim 1 by adding the word "directly" between is and cooled in the last penultimate line of the claim. That this is the meaning of the claim is supported, for example, at page 5, lines 7-8 and line 2332-page 6 line 2, page 14, lines 8-10.

Claim 72 has been added to further limit the invention to one of the possibilities defined in claim 4, namely that the fluid cooling the heat exchanger in the liquid desiccant is the air that has been cooled in the cooling chamber. This adds further patentability to this claim.

Claim 9 was indicated by the Examiner as being unpatentable over Forkosh in view of Wilkinson. The Examiner indicates that pump 25 pumps desiccant through heat exchanger 29. This is factually incorrect, since pump 25 pumps water and not desiccant. Thus the examiner has not presented a *prima facie* case of unpatentability for this claim.

Claim 10 was considered by the Examiner as being obvious over Wilkinson in view of Forkosh. The Examiner has interpreted the term "thermal contact" as used in claim 10 as including indirect transfer via a flowing liquid. Thermal contact generally does not involve mass transfer as is the case where a flowing liquid is used to transfer the energy. In such cases

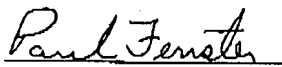
the starting point and ending point of the heat are not in thermal contact, per se, rather a third element transfers the heat by moving mechanically between the materials. Applicants submit that this is no more thermal contact than if a material is brought into contact with a first material and is heated thereby and then is placed in contact with a third material which it heats. Clearly heat is transferred from the first to the third materials, but there is no contact between them. On the other hand if heat is transferred through a stationary element, then, even if there is thermal resistance, there is still thermal contact.

Claims 70 and 71 stand rejected under 35 U.S.C. as being unpatentable under 35 U.S.C. 103(a) as being unpatentable over Forkosh in view of Wilkenson. Applicant respectfully traverses this rejection and submits that the examiner has not made a *prima facie* case of obviousness.

The Examiner's rejection appears to be based on a teaching in Wilkinson that the system's heat exchanger is in the reservoir. Applicants can find no such teaching. There is no heat exchanger in either of the reservoirs of Wilkenson (elements 34 and 31). Clarification and further prosecution or allowance is respectfully requested.

Applicants submit that the application is in condition for allowance. Notice to that effect is respectfully awaited.

Respectfully submitted,
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